

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

ST. JOSEPH DIVISION

JIM BUSH d/b/a Trenton Cinema LLC or Big
Time Cinema Trenton 3,

Plaintiff,

v.

AT&T Corp. a/k/a AT&T Mobility National
Account LLC,

Defendant.

Case No. 12-cv-6106

**DEFENDANTS' MOTION TO STAY DISCOVERY, THE RULE 26(F) CONFERENCE,
AND ASSIGNMENT TO EARLY ASSESSMENT PROGRAM PENDING RESOLUTION
OF ITS MOTION TO COMPEL ARBITRATION**

Defendants AT&T Corp. and AT&T National Mobility Accounts LLC (collectively, “ATTM”) respectfully move to stay discovery and the parties’ obligations under the Court’s scheduling order (Dkt. No. 4) and order designating the case for inclusion in the Court’s Early Assessment Program (Dkt. No. 3) pending resolution of ATTM’s motion to compel arbitration (Dkt. No. 5).¹

In support of this Motion, Defendants incorporate by reference the attached suggestions in support of its motion to stay and state as follows:

1. Federal Rules of Civil Procedure 6(b) and 26(a) and (c) give this Court discretion to defer deadlines relating to discovery and pretrial proceedings. In addition, the Federal Arbitration Act (“FAA”), 9 U.S.C. §§ 1-16, forbids courts from requiring a party who seeks to compel arbitration of a dispute to participate in litigation of or discovery regarding the merits of that dispute while the motion to compel arbitration is pending.

2. ATTM has filed a motion to compel arbitration, which remains pending. Because the Court’s orders set deadlines regarding discovery and other pretrial proceedings that are likely to arrive before the Court has an opportunity to resolve the pending motion to compel arbitration, the FAA requires that those deadlines be stayed.

WHEREFORE, ATTM requests that the Court enter an Order staying discovery and pretrial proceedings regarding the merits of Plaintiff’s claim pending the resolution of ATTM’s motion to compel arbitration.

Dated: October 17, 2012

Respectfully submitted,

By: /s/ Mimi MacDonald
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¹ Counsel for ATTM has met and conferred with counsel for plaintiff, who does not agree to the relief sought by this motion.

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*Attorneys for Defendants AT&T Corp. and AT&T
Mobility National Accounts LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2012, I caused the foregoing to be served electronically by means of the Court's CM/ECF electronic filing system on all counsel registered to participate in that system. In addition, I caused the foregoing to be sent via overnight delivery by third-party commercial carrier upon the following:

John L. Young
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Princeton, MO 64673

Attorney for Plaintiff Jim Bush

_____/s/_____
Mimi MacDonald
Attorney for Defendants